

EXECUTIVE ORDER NO. 06 - 05

WHEREAS, Section 3 of Act 178, 2006 Session Laws of Hawaii, directs that "for fiscal year 2005-2006, the departments [that collect receipts from the lands within the public land trust] shall have until thirty days after the close of the fiscal year to transfer a total of \$15.1 million from their receipts from the use of lands within the public land trust collected during fiscal year 2005-2006, to the office of Hawaiian affairs, whether by the procedures set out in Executive Order No. 03-03 or this Act;"

WHEREAS, Section 3 of Act 178 also provides that the Governor "is expressly authorized to fix the amounts each agency shall transfer to the office of Hawaiian affairs in each quarter by executive order to implement the provisions of this section;"

WHEREAS, the Director of Finance estimates that by the close of fiscal year 2005-2006, the departments will have transferred approximately \$9.557 million in receipts collected from the use of lands within the public trust during that fiscal period, to the Office of Hawaiian Affairs ("OHA"), pursuant to Executive Order No. 03-03;

WHEREAS, anticipating that the total receipts transferred to the OHA pursuant to Executive Order No. 03-03 for fiscal year 2005-2006 could be less than \$15.1 million, the Department of Land and Natural Resources was earlier directed to deposit that

portion of its receipts from the use of lands within the public trust fund for the fiscal year 2005-2006, that would otherwise be credited to the general fund, into holding accounts, so that some or all of such receipts would be available to transfer to OHA as necessary, to ensure that a total of \$15.1 million was transferred for the fiscal period as required by Section 3 of Act 178;

NOW, THEREFORE, I, Linda Lingle, Governor of Hawaii, pursuant to the authority conferred upon me by Section 3 of Act 178, 2006 Session Laws of Hawaii, do hereby direct as follows:

1. No later than July 10, 2006, all departments shall complete and send the TRANSMITTAL attached as Attachment "A," to Executive Order No. 03-03, for the fourth quarter of fiscal year 2005-2006, to the Department of Budget and Finance;

2. No later than July 12, 2006, the Director of Finance shall


a. Establish the total amount of receipts collected from the use of the lands within the public trust and transferred by all departments to OHA for fiscal year 2005-2006; and

b. Determine, and notify the Department of Land and Natural Resources and the Attorney General how much, if any, of the receipts from fiscal year 2005-2006 on deposit in one or more of the Department of Land and Natural Resources' holding accounts needs to be transferred to OHA, to make up any

shortfall between the receipts already transferred to OHA for fiscal year 2005-2006, and the \$15.1 million that is required to be transferred to OHA under Section 3 of Act 178; and

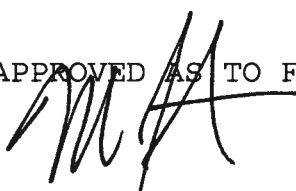
3. If necessary, the Department of Land and Natural Resources shall transfer the amount of any shortfall determined in paragraph 2.b. above, to OHA, by journal voucher, using the following accounting information: Account No. T-03-901-Z1; and transaction codes 802 for OHA, and 801 for the department, no later than July 14, 2006.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 29th
day of June, 2006.



LINDA LINGLE
Governor of Hawaii

APPROVED AS TO FORM:



Mark J. Bennett
Attorney General